

**FILED**

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MAY - 2 2006

## The Grand Jury charges:

**COUNT 1**

On or about November 6, 2005, in Montgomery County, within the Middle District of Alabama,

ANTONIO CERVANTES-CANO,

defendant herein, who, being an alien illegally and unlawfully in the United States, did knowingly possess in and affecting commerce, a firearm, to-wit: a Rossi .38 caliber revolver bearing serial number D310643, in violation of Title 18, United States Code, Section 922(g)(5)(A).

## **FORFEITURE ALLEGATION**

- A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.
- B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(5)(A), as alleged in Count 1 of this indictment, the defendant,

ANTONIO CERVANTES-CANO.

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

**One Rossi .38 Caliber Revolver bearing serial number D310643.**

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without difficulty,

the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in the above paragraphs.

All in violation of Title 18, United States Code, Section 922.

A TRUE BILL:

Jayne D. Gilbert  
Foreperson

Leura G. Canary  
LEURA G. CANARY

United States Attorney

John T. Harmon  
John T. Harmon

Assistant United States Attorney

K. David Cooke, Jr.  
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Assistant United States Attorney